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USA: Police use of pepper spray -- tantamount to torture

The use of pepper spray by police in California against peaceful protestors, including a 17-year old, is cruel, inhuman and degrading treatment of such deliberateness and severity that it is tantamount to torture, Amnesty International said today following last Friday's videotape showing of Humboldt County Sheriff Department officers swabbing liquid pepper spray directly into the eyes of demonstrators.

The videotape -- made by the sheriff's office and played for reporters on 31 October as lawyers announced a lawsuit -- showed protestors sitting around a tree stump in Representative Frank Riggs' Eureka office on 16 October. The protestors screamed as deputies pulled back their heads, opened their eyes, and "swabbed" the burning liquid to their eyeballs. They were protesting against the destruction of redwood trees in Headwaters Forest in northern California.

A 17-year-old protestor, whose eyelids were prised apart to apply the spray, described feeling acute pain and burning in the eyes after the spray was administered.

Video footage of a second incident, which took place at the Pacific Lumber Company headquarters in nearby Scotia on 25 September, showed two women protestors being swabbed in the eyes with liquid pepper spray. Police sprayed a third woman in the eyes at close range.

"Because of the great risks associated with pepper spray its use must be questionable in any circumstances," Amnesty International said.

"In this instance, the spray was clearly abusive as it was not used to protect officers or others but was applied in a calculated and deliberate way to inflict pain as a way of gaining compliance in cases of demonstrators who posed no threat," the organization said.

Pepper spray (or oleoresin capsicum) can cause painful burning, eye irritation, nausea, choking and vomiting when sprayed in someone's face. There is also evidence that pepper spray can have seriously harmful effects when used in a confined space or on asthmatics or people with other medical conditions. Some studies have warned that pepper spray is potentially lethal and it has been rejected in the United Kingdom because of its potential carcinogenic properties.

Amnesty International pointed out that there have been several dozen deaths of people in the US after being sprayed with pepper spray in recent years. Although other factors have been found to be involved in most such deaths, there is concern that the spray has been a contributing factor in some cases.

Amnesty International is calling for a full independent enquiry into police actions in the above cases, including a review of departmental policies into the use of force and pepper spray. The organization is also calling for an immediate ban on the use of oleoresin capsicum spray against peaceful demonstrators.

“The increasing use of pepper spray by police departments in the US despite conflicting studies into its safety is alarming,” Amnesty International said. “While many police departments authorize the spray only if officers face a serious physical threat, we are receiving increasing reports of its misuse -- such as against suspects after they were already restrained or against peaceful demonstrators.”

Amnesty International believes there should be a national review of the use of pepper spray by law enforcement agencies in the USA. Police departments who authorize the spray should also introduce strict guidelines and limitations on its use and observe international human rights standards on the use of force and prohibition of cruel, inhuman or degrading treatment. The human rights organization believes that the USA has defied its solemn obligation under the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.

Most recently, Amnesty International condemned the use of spray against non-violent tree activists in Eugene, Oregon in June 1997.

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